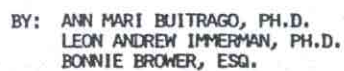


GETTING FBI FILES:

AN ACTIVIST'S HANDBOOK



REVISED EDITION, 1981

PREFACE

This Handbook is a shortened version of one section of a forthcoming FOIA, Inc. book on the FBI filing system: Are You Now Or Have You Ever Been In The FBI Files? * We are publishing this section as a Handbook so that publication delays will not hinder your ability to use the Freedom of Information Act more effectively.

A few words of caution are necessary. The information in this handbook is based on a careful study of our own 200,000 pages of documents, our five-year experience in dealing with the FBI (in the Meeropol FOIA suit for Rosenberg/Sobell documents), and a careful reading of many government reports. Nevertheless, it is impossible to be absolutely sure of the accuracy of the information since the ultimate source - whether volunteered or pried out - is the FBI itself, an agency whose representations deserve to be received with some skepticism.

We have discussed in the text and included in the sample letters, requests for items and searches that the FBI is known to resist. The chances, therefore, of getting some of the records and services we have suggested you demand may not be great but we proceed on the conviction that it is your right under the law to have them and that people must continue to demand their rights.

It is our hope that the day will come when the government, seeing that the people know their rights and insist on their right-to-know, will finally be held accountable for its decisions and actions.

January, 1981

Ann Mari Buitrago
Research Director

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* Grove Press, 1981

TABLE OF CONTENTS

Preface.....	i
GETTING RECORDS UNDER FOIA.....	1
General.....	1
Requests for Personal Records.....	1
Requests for Other Records.....	2
Incomplete Search.....	2
Appeals.....	2
The Exemption Game.....	2
Fees and Fee Waiver.....	3
Special Hints.....	3
A. General.....	3
B. "See References".....	4
C. Other Sections of Main Files.....	4
D. Abstracts.....	5
E. Special Indices.....	5
APPENDICES:	
I. Sample Request and Appeals Letter.....	7
II. FBI Field Offices and Legats.....	12
III. Other Government Agencies.....	14
IV. Map of FBI Field Offices and Resident Agencies.....	16
V. FBI Classifications.....	17
VI. Selected FBI Special Indices.....	25
VII. Congressional Committees/ Subcommittees.....	27
VIII. Text of Freedom of Information Act.....	28
ABOUT FOIA, INC.....	31

GETTING RECORDS UNDER FOIA/PA

GENERAL:

Freedom of Information Act/Privacy Act* covers documents in agencies in the Executive Branch of the Federal government only. The records of Congress, the Federal Courts, or the President's immediate staff are not subject to disclosure under these laws.

All documents requested must be released unless they fall under one of the nine specific FOIA exemptions or the five specific PA exemptions. If an agency determines an exemption applies to material requested, it may (but is not compelled to) withhold such material. However, the agency must release all other parts of a document or file that can be segregated from the exempt portions.

Under FOIA, all decisions by agencies can be appealed to an office within the agency. There is no appeal under the PA. Under both Acts, a civil lawsuit may be initiated to challenge denials and compel disclosure of records.

To try to assure the most complete disclosure, make all requests under the FOIA. The Privacy Act is quite restrictive and lends itself to misuse by the agency.

REQUESTS FOR PERSONAL RECORDS:

If the request is for personal files, include the following information: Date and place of birth, all variants of name ever used (e.g. middle name and/or initial, married names, nicknames), and social security number. Have your signature notarized. (See sample letter, Appendix I.)

REQUESTS FOR OTHER RECORDS:

If you want records other than your own personal ones describe the document(s), organizational files, or files covering a specific subject matter or given time periods as clearly as possible. Avoid too narrow a description of your request since an agency may limit its search to the specific items listed and not produce important related documents. Use language such as "including but not limited to" such and such items (SEE SAMPLE LETTER).

*See Appendix VII for text of FOIA. The Privacy Act can be found at 5 U.S. Code §552a.

INCOMPLETE SEARCH:

If there is evidence of an incomplete search (e.g. information involving a phone tap but no ELSUR logs, references to documents not produced, gaps in document numbers) simply describe these omissions in a supplementary letter. The material on the FBI filing system on pp 3-5 may help you spot omissions.

APPEALS: [see sample appeal letters pp. 10-11]

If any material is denied by an agency or the DELAY IN RESPONDING seems excessive, you may appeal such decisions to the Appeal Officer of the agency. Since you may have occasion to appeal, it is important to keep a copy of all correspondence and notes on any phone conversations. In addition to appealing when you hit obstacles, copies of this correspondence can also be sent to your congressional representatives and to the members of the Oversight Committees (See Appendix VII.)

THE EXEMPTION GAME:

The FOIA permits agencies to exempt certain material from disclosure. Experience has shown that the FBI abuses these exemptions particularly exemption (b) (1) [national security and defense] and (b) (7) [ongoing investigations, privacy and protection of informers].

A full discussion of this difficult area will appear in the forthcoming FOIA, Inc. book. In this handbook, we have staked out a strong position on deletions in the Sample Request Letters (See Appendix I). Advice on how to appeal deletions most effectively must await the issuance of the book.

FEES AND FEE WAIVER:

The law allows agencies to charge copying and, in some cases, search fees. To protect yourself against a large fee, ask to be consulted before your request is processed. Most important: fees can be waived if release of the documents is in the public interest. The sample letter includes a request for a fee waiver based on such factors (where applicable) as: (a) the non-commercial use intended for the material (writing books and articles is not commercial), and/or (b) the tax-exempt and/or non-profit status of the organization under whose auspices you are requesting the material, and/or (c) the need to account to the membership of democratic organizations. At present, the FBI does not charge for requested documents that are 250 pages or less. (See Sample Letter, Appendix I).

SPECIAL HINTS

A. General.

If you are requesting FBI records, write separately to FBI Headquarters in Washington, D.C. and to each Field Office and Resident Agency* near which you have lived, worked or traveled extensively. (See Appendices II and IV) The Field Office files contain important original materials not found in the Headquarters files.

FBI procedure (at both Headquarters and Field Offices) upon receiving an FOIA request calls only for a search of the General Index for the "main files" involved in the request. If the files you seek include those of politically active individuals, political organizations, publications or events, it is likely that a substantial amount of information gathered by the FBI resides outside the individual's or group's "main files".

There are other parts to each FBI office's Central Record System (CRS) in addition to the "main" files and the General Index, and there are other record systems which can be searched for documents. Displaying knowledge of these systems in your request letter may help secure a more complete search.

There are other parts to each FBI office's Central Record System in addition to the "main" files and the General Index, and there are other record systems which can be searched for documents. The sample request letter directs a search of the following files and special locations:

*Although the FBI claims that R.A.'s amalgamate their files into the local field office files at the end of an investigation, there are known instances when R.A.'s retain files. A request for R.A. files may not turn up additional documents; but it is worth trying.

B. "See Reference" Cards.

Part of the General Index to each FBI office's CRS are index cards called "see references". These cards are like name and subject indexes in books -- they indicate where information on a person, organization, or event is in the files of another person, organization, or event. The sample letter includes a request that all "see references" be searched and released.

C. Other sections of "main" files.

The sample letter also directs a search and release of:

- . Subfiles (lettered and numbered: A,B,C, etc. and 1,2,3, etc.
- . IA Envelopes
- . Enclosures Behind Files (EBF)
- . Bulky Exhibits (IB)
- . Control Files. These files contain documents which discuss tactics and strategies, policy decisions, top level instructions (even for illegal actions) and analyses of the information in the "main" files.

In some "Investigations" the FBI keeps files in special or restricted file rooms. The sample letter requests they be searched.

- . "Do Not File" files.
- . Special Agent in Charge (SAC) vaults, safes or personal files.
- . Files in rooms of top FBI officials.
- . "June" or "June Mail" files (deal with electronic surveillance).
- . Elsur Index (electronic surveillance).
- . Special files rooms in divisions of the FBI (e.g. special file room, Division V).

Finally, the sample letter requests the FBI to include in the documents released: (a) the file cover, which carries the classification-case number and sometimes other information, and (b) the search slips used by the FBI clerks in searching for the documents requested.

D. Abstract system.

A set of index cards is maintained at FBI Headquarters only, summarizing every important communication and document in the "main" files. Even though the FBI claims they destroy the Abstracts when they destroy a file, it is worth asking for Abstracts particularly if there is any evidence or suspicion of selective or wholesale destruction of the records you desire.

E. Special Indices.

The FBI maintains a number of special sets of index cards at Field Offices and at Headquarters. These cards contain some information not found in the documents in the "main" files. The sample letter has a paragraph which you may insert asking for the appropriate indices to be searched. (The indices most relevant to political files are listed in Appendix VI. Photo Albums are omitted).

Explanation of FOIA Exemptions

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b) (1) information which is currently and properly classified pursuant to Executive Order 11652 in the interest of the national defense or foreign policy
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (3) information specifically exempted from disclosure by statute
- (b) (4) privileged or confidential information obtained from a person, usually involving commercial or financial matters
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; or documents, the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or which represent the work product of an attorney-client relationship
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would: (A) interfere with law enforcement proceedings, including pending investigations; (B) deprive a person of the right to a fair trial or an impartial adjudication; or give one party to a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel
- (b) (8) information collected by Government regulatory agencies from financial institutions
- (b) (9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

APPENDICES

I. Sample Letters	
Request.....	7-9
Appeals.....	10-11
II. FBI Field Offices and Legats.....	12
III. Other Government Agencies.....	14
IV. Map of FBI Field Offices and Resident Agencies.....	16
V. FBI Classifications.....	17
VI. Selected FBI Special Indices.....	25
VII. Congressional Committees/Subcommittees.....	27
VIII. Text of Freedom of Information Act.....	28

APPENDIX I: Sample Letter for Requesting Records

Name
Address
Phone #

Date

FOI/PA Unit
Federal Bureau of Investigation
[FBI HDQ., Washington, D.C. 20535
FOR ADDRESSES OF FBI FIELD OFFICES
-- SEE p. 12]

Dear Ms./Mr.:

This is a request under the Freedom of Information Act as amended (5 U.S.C. 552).

I request a complete and thorough search of all filing systems and locations for all records maintained by your agency pertaining to [me/name of organization(s)/or description of subject matter], including but not limited to files and documents captioned in, or whose captions include [my name/the organization's name/or the subject matter] in the title. This request specifically includes "main" files and "see references," including but not limited to numbered and lettered subfiles, 1A envelopes, enclosures behind files (EBF's), Bulky Exhibits, control files and "JUNE" files. I want all records to be produced with the administrative markings and all reports to include the administrative pages.

[OPTIONAL: I wish to be sent copies of "see reference" cards, abstracts, search slips including search slips used to process this request, file covers, multiple copies of the same documents if they appear in a file, and tapes of any electronic surveillances. Please search "DO NOT FILE" files, SAC safes, special file rooms, and offices of FBI officials.]

In addition to a search of the General Index, please search the Elsur Index [and the following Special Indices: (consult list on pp. 25-6 of Handbook and add any index you think appropriate to your request).]

Please search for records under the following names:

[FOR PERSONAL RECORDS, list all names - married names, nicknames, stage names, etc. Also list variations of your name e.g., John Doe, J.R. Doe, John R. Doe, J. Richard Doe, John Richard Doe and Richard Doe or R. Doe]

[FOR ORGANIZATIONS, list variants of organization's name and indicate whether this organization has (or has had) chapters and other offices in other locations.]

Please place any "missing" files pertaining to this request on "special locate" and advise me that you have done this.

[If request is for records other than your own, it may help to add an explanation of your interest in the files e.g., your connection to the organization, your relation to the subject of the request, the prominence of the subject, your journalistic or scholarly interest, and the like.]

If documents are denied in part or in whole, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Please provide a complete itemized inventory and a detailed factual justification of total or partial denial of documents. Specify the number of pages in each document and the total number of pages pertaining to this request. For "classified" material denied please include the following information: the classification (confidential, secret, or top secret); identity of the classifier; date or event for automatic declassification, classification review, or downgrading; if applicable, identity of official authorizing extension of automatic declassification or review past six years; and, if applicable, the reason for extended classification past six years.

In excising material, please "black out" the material rather than "white out" or "cut cut." I expect, as provided by the Freedom of Information Act, that the remaining non-exempt portions of documents will be released.

[I want all pages released regardless of the extent of excising, even if all that remains are the stationery headings or administrative markings.]

As I expect to appeal any denials, please specify the office and address to which an appeal should be directed.

I believe my request qualifies for a waiver of fees since the release of the requested information would primarily benefit the general public and be "in the public interest."

[USE ANY APPLICABLE ARGUMENT FOR THIS CLAIM, e.g., that the files will be used for the preparation of educational materials to be distributed through a school, church or other organization or group, particularly if the group is not-for-profit, tax-exempt research or educational organization.]

If a fee waiver is not granted, please consult me before proceeding if the fee is in excess of \$_____. I reserve all rights to recover any money paid for fees not waived.

Please send a memo (copy to me) to the appropriate units in your office to assure that no records related to this request are destroyed. Please advise of any destruction of records and include the date of and authority for such destruction.

[FOR REQUESTS TO FIELD OFFICES: I wish to make it clear that I want all records in your office "identifiable with my request" even though reports based on those records have been sent to FBI Headquarters and even though there may be duplication between the two sets of files. Please do not refer me to Headquarters.]

I can be reached at the phone listed above. Please call rather than write if there are any questions or if you need additional information from me.

I expect a response to this request within 10 working days as provided for in the Freedom of Information Act.

Sworn to on the _____
day of _____
before me _____
notary public

Sincerely yours,

name [notarize signature], social
security number, date and place of
birth

your title, if writing on behalf of
an organization

MARK ENVELOPE: ATTN. FOI/PA Unit

REMEMBER TO SEND A SEPARATE LETTER TO FBI HEADQUARTERS AND TO EACH RELEVANT FBI
FIELD OFFICE

APPENDIX I : SAMPLE APPEAL LETTER

APPEAL OF DELETIONS OR WITHHOLDINGS:

Assoc. Attorney General
Office of Privacy and Information Appeals
Department of Justice
Washington, D. C. 20530

Your name
address
phone no.
Date

Re: Request # _____

Dear Mr/Ms:

This is an appeal pursuant to subsection (a)(6) of the Freedom of Information Act, as amended (5USC552).

I have been advised by letter dated _____ from [name of person who signed letter] that my request for [describe the records you requested] has been (totally or in part) denied. I wish to appeal that denial.

[IF A GREAT DEAL OF MATERIAL IS WITHHELD]

As you can see from the record, the FBI has withheld the (almost) entire (file, document, report) requested. It is my opinion that there is much more material that could be reasonably segregated and released, as provided by law.

[IF EXEMPTION (b)(1) (national security) IS USED:]

I contend that the use of (b)(1) exemption is not warranted because the material deleted is of great importance to public education and discussion. Executive Order 12065 requires that the public interest be balanced against any reasonable expectation of damage to national security. I think this is a clear example of the public interest outweighing [expand this idea on the basis of your own knowledge, or newsclips, articles and books showing public interest].

[IF (b)(1) OR ANY OTHER EXEMPTION CLAIMED BY THE FBI DOES NOT MAKE SENSE OR SEEMS TO YOU IMPROPERLY USED]

[Use common sense and your knowledge of what the document is discussing to spot contradictions. For example, if the information being discussed could only have been gathered by a phone tap or a break-in, use of national security exemptions are not justified under (b)(1). If the report is of a public meeting, use of exemptions (b)(6) or (b)(7)(c) to justify deletions is clearly illegitimate.]

[Cite as many specific examples as you can find in the documents released to you.]

I ask that you overrule the FBI's refusal to release the information. However, if you decide to continue withholding some or all of this material, I request an itemized inventory of the material including factual justifications for each item withheld.

I have enclosed a copy of all correspondence relating to this request.

I expect a response from you within 20 working days, as provided by the FOIA.

Sincerely,

[Name. No need to notarize]

Mark envelope: Attention: FOIA Appeals

SAMPLE APPEAL LETTER

APPEAL WHERE FBI DOES NOT MEET FOIA TIME LIMITS:

Assoc. Attorney General
Office of Privacy and Information Appeals
Department of Justice
Washington, D.C. 20530

Your name
address
phone no.
Date

Re: Request # _____

Dear Mr/Ms:

This is an appeal pursuant to subsection (a) (6) of the Freedom Of Information Act, as amended (5USC552).

I requested records from the FBI by letter dated _____. As of this date, I have received no response.

[or]

I have received only a letter from [name of person who signed letter] dated _____, acknowledging receipt of my request and indicating it was being processed.

The FOIA requires a response within ten days (20 if the request is very large). I feel I have given more than a reasonable extension of time for compliance beyond that provided for in the law. I consider this inordinate delay the equivalent of a denial of my request. This letter constitutes an appeal of that denial.

You will find enclosed a copy of all correspondence on this request.

The law requires that I receive a response to this letter within twenty working days. I expect to receive it.

Sincerely,

[Name and organization title,
if applicable]

Mark envelope: Attention: FOIA Appeals

Appendix II:

A. Field Divisions: Addresses and Phone Numbers.

Field Divisions—Federal Bureau of Investigation		U.S. Government Manual
Division	Address	Office Phone
Albany, N.Y. 12207	U.S. Post Office and Courthouse	518-465-7581
Albuquerque, N. Mex. 87101	Federal Office Bldg.	505-247-1555
Alexandria, Va. 22314	300 N. Lee St.	703-683-2688
Anchorage, Alaska 99516	Federal Bldg.	907-572-6414
Atlanta, Ga. 30303	275 Peachtree St. NE	404-521-3500
Baltimore, Md. 21207	7142 Ambassador Rd.	301-265-8088
Birmingham, Ala. 35203	Room 1400, 2121 Bldg.	205-252-7765
Boston, Mass. 02203	John F. Kennedy Federal Office Bldg.	617-742-3533
Buffalo, N.Y. 14202	111 W. Huron St.	716-856-7809
Butte, Mont. 59701	U.S. Courthouse and Federal Bldg.	406-792-2304
Charlotte, N.C. 28202	Jefferson Standard Life Bldg.	704-372-5485
Chicago, Ill. 60604	Everett McKinley Dirksen Bldg.	312-431-1333
Cincinnati, Ohio 45202	415 U.S. Post Office and Courthouse Bldg.	513-421-4310
Cleveland, Ohio 44199	Federal Office Bldg.	216-822-1481
Columbia, S.C. 29201	1529 Hampton St.	803-254-3011
Dallas, Tex. 75201	1810 Commerce St.	214-741-1851
Denver, Colo. 80202	Federal Office Bldg.	303-629-7171
Detroit, Mich. 48226	477 Michigan Ave.	313-965-2323
El Paso, Tex. 79901	202 U.S. Courthouse Bldg.	915-533-7431
Honolulu, Hawaii 96850	300 Ala Moana Blvd.	808-521-1411
Houston, Tex. 77002	6015 Federal Bldg. and U.S. Courthouse	713-224-1511
Indianapolis, Ind. 46202	575 N. Pennsylvania St.	317-439-3301
Jackson, Miss. 39205	Unionist Federal and Loan Bldg.	601-848-6000
Jacksonville, Fla. 32202	414 U.S. Courthouse and Post Office Bldg.	904-355-1401
Kansas City, Mo. 64108	300 U.S. Courthouse Bldg.	816-221-6144
Knoxville, Tenn. 37919	1111 Northshore Dr.	615-582-8571
Las Vegas, Nev. 89101	Federal Office Bldg.	702-385-1281
Little Rock, Ark. 72201	215 U.S. Post Office Bldg.	501-378-7211
Los Angeles, Calif. 90024	11000 Wilshire Blvd.	213-277-6161
Louisville, Ky. 40202	Federal Bldg.	502-683-3941
Memphis, Tenn. 38103	Clifford Davis Federal Bldg.	901-625-7373
Miami, Fla. 33137	3801 Biscayne Blvd.	305-873-3333
Milwaukee, Wis. 53202	Federal Bldg. and U.S. Courthouse	414-276-4684
Minneapolis, Minn. 55401	392 Federal Bldg.	612-338-7861
Mobile, Ala. 36602	Federal Bldg.	205-438-3674
Newark, N.J. 07101	Gateway I, Market St.	201-622-6419
New Haven, Conn. 06510	770 Chapel St.	203-777-4311
New Orleans, La. 70113	701 Loyola Ave.	504-522-4671
New York, N.Y. 10007	205 E. 42nd St.	212-904-8700
Norfolk, Va. 23502	870 N. Military Hwy.	804-461-2121
Oklahoma City, Okla. 73118	50 Penn Pl. NW	405-842-7471
Omaha, Neb. 68102	215 N. 17th St.	402-348-1210
Philadelphia, Pa. 19106	Federal Office Bldg.	215-629-0888
Phoenix, Ariz. 85004	2721 N. Central Ave.	602-279-8311
Pittsburgh, Pa. 15222	Federal Office Bldg.	412-471-3008
Portland, Ore. 97201	Crown Plaza Bldg.	503-224-4181
Richmond, Va. 23220	200 W. Grace St.	804-644-2631
Sacramento, Calif. 95825	Federal Bldg.	916-481-8110
St. Louis, Mo. 63103	2704 Federal Bldg.	314-241-8357
Salt Lake City, Utah 84138	Federal Bldg.	801-353-7521
San Antonio, Tex. 78296	Federal Bldg.	512-225-6741
San Diego, Calif. 92188	Federal Office Bldg.	714-231-1122
San Francisco, Calif. 94102	450 Golden Gate Ave.	415-432-2135
San Juan, P.R. 00918	U.S. Courthouse and Federal Bldg.	809-765-6000
Savannah, Ga. 31405	5401 Paulsen St.	912-334-9911
Seattle, Wash. 98174	915 2d Ave.	206-422-0468
Springfield, Ill. 62702	535 W. Jefferson St.	217-522-8678
Tampa, Fla. 33602	Federal Office Bldg.	813-228-7661
Washington, D.C. 20401	1900 Half St. SW.	202-324-3000

Appendix II: Field Divisions

B. Liaison Offices

(All c/o the American Embassy for the Cities Indicated):

Bern, Switzerland.

Bonn, Germany (Box 310, APO, New York 09080).

Buenos Aires, Argentina.

Caracas, Venezuela (APO, New York 09893).

Hong Kong, B.C.C. (FPO, San Francisco 96659).

London, England (Box 40, FPO, New York 09510).

Madrid, Spain (APO, New York 09235).

Manila, Philippines (APO, San Francisco 96523).

Mexico City, Mexico.

Ottawa, Canada.

Paris, France (APO, New York 09777).

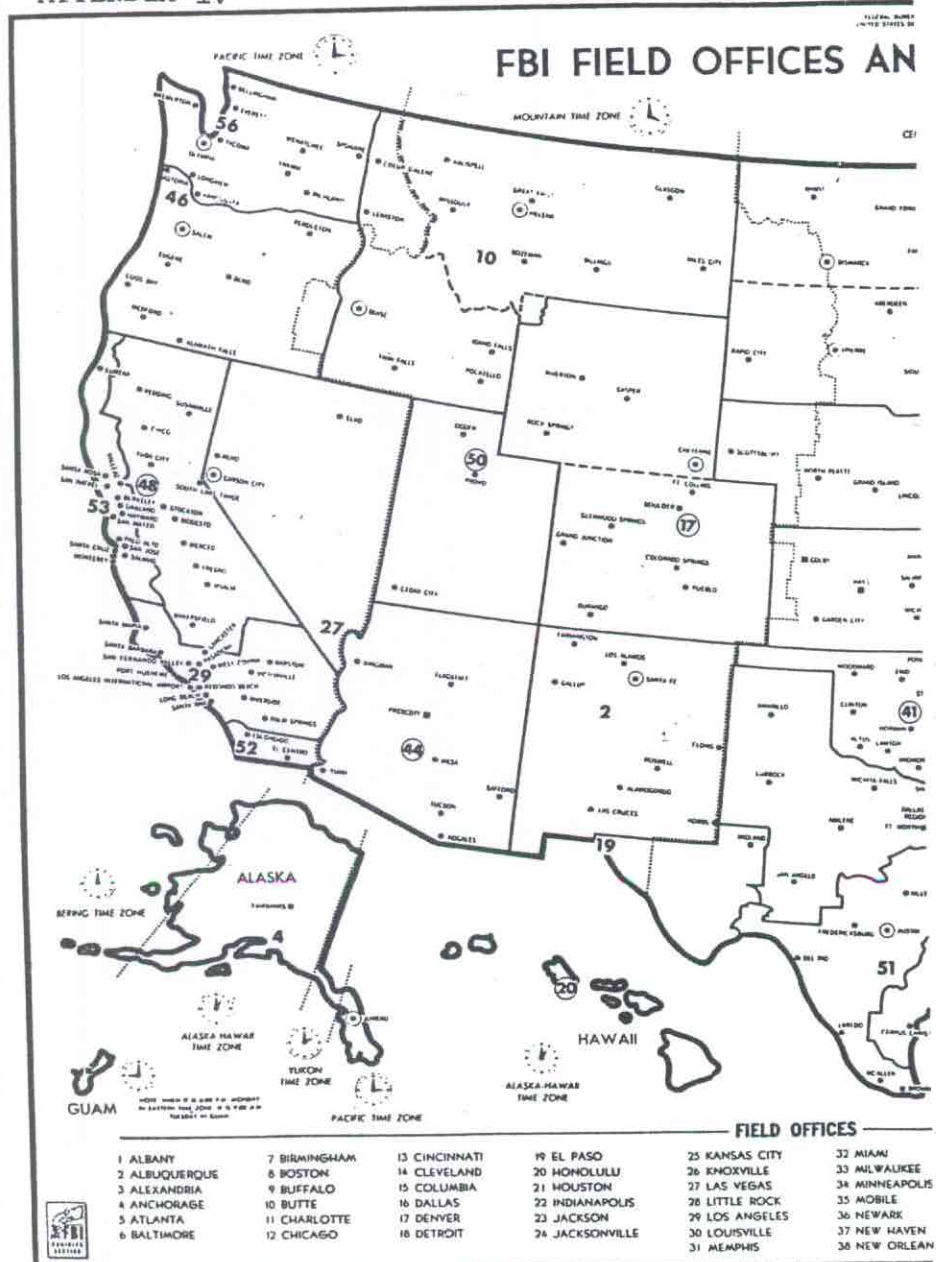
Rome, Italy (APO, New York 09794).

Tokyo, Japan (APO, San Francisco 96503).

APPENDIX III: OTHER GOVERNMENT AGENCIES

AGENCY	REQUESTS	APPEALS
Central Intelligence Agency	Information and Privacy Coordinator Central Intelligence Agency Washington, D.C. 20505 703-351-1100	Information and Privacy Coordinator Central Intelligence Agency Washington, D.C. 20505 703-351-1100
Commission on Civil Rights	Solicitor Commission on Civil Rights 1121 Vermont Ave. NW, 600 Washington, D.C. 20425 202-254-6606	Staff Director Commission on Civil Rights 1121 Vermont Ave. Washington, D.C. 20405 202-254-6606
Defense/Department of the Army	Chief, Records Management Division Office of the Adjutant General ATTN: DAAG-AMR-5 Rm. GA 076, Forrestal Bldg. Washington, D.C. 20314 202-693-1847	Secretary of the Army ATTN: General Counsel Washington, D.C. 202-697-8029
Defense/Defense Intelligence Agency	Director Defense Intelligence Agency ATTN: SC (FOIA) Washington, D.C. 20301 202-692-5766	Director Defense Intelligence Agency ATTN: SC (FOIA) Washington, D.C. 20301 202-692-5766
Department of Energy	Information Access Officer Department of Energy Rm. 2121 12th & Pennsylvania, NW Washington, D.C. 20461 202-566-9840	Director, Office of Hearings and Appeals Department of Energy Federal Bldg. Washington, D.C. 20461 202-254-5134
Environmental Protection Agency	FOIA Officer A-101 401 M St., SW Washington, D.C. 20460 202-755-2760	SAME
Department of Justice/ Law Enforcement Assistance Administration	Correspondence Control LEAA 633 Indiana Ave., NW Washington, D.C. 20531 202-376-3976	Office of Privacy and FOI Appeals Dept. of Justice 10th & Pennsylvania, NW Washington, D.C. 20530 202-739-4672
Dept. of Justice/ Bureau of Prisons	Director Bureau of Prisons 320 First St., NW Washington, D.C. 20534 202-724-3062	Office of Privacy and FOI Appeals Dept. of Justice 10th & Pennsylvania, NW Washington, D.C. 20530 202-739-4672
Secret Service	U.S. Secret Service 1800 G Street, NW Washington, D.C. 20223 202-634-5700	SAME
Selective Service System	National Headquarters Selective Service System 600 E St., NW Washington, D.C. 20435 202-724-0427	Director Selective Service 600 E St., NW Washington, D.C. 20435 202-724-0419
Dept. of State	Director FOI Staff Bureau of Public Affairs Dept. of State Washington, D.C. 20520 202-632-9322	Asst. Secretary of State for Public Affairs Chairman, Council on Classification Policy Dept. of State, Rm. 6804 Washington, D.C. 20520 202-632-9322

APPENDIX IV



U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

D RESIDENT AGENCIES



APPENDIX V: ANNOTATED LIST OF FBI CLASSIFICATIONS USED IN
CENTRAL RECORD SYSTEM.

NOTE: (a) Bracketed material contains information gleaned from working with FBI Rosenberg/Sobell documents.

(S) beside a number indicates the matter is assigned to Special Investigative Division: Employees Security and Special Inquiry Section of the FBI.

(I) beside a number indicates the matter is assigned to one or more sections of the Intelligence Division of the FBI.

(b) Re "Obsolete" designations: although the FBI does not open files in "obsolete" classifications, (e.g. "108"), it retains many such files which have previously been opened, and appears sometimes to continue to add documents to these files.

1. Training Schools; National Academy Matters; FBI National Academy Applicants.
2. (I) Neutrality Matters.
3. Overthrow or Destruction of the Government.
4. National Firearms Act; Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms.
5. Income Tax.
6. Interstate Transportation of Strikebreakers.
7. Kidnaping.
8. Migratory Bird Act.
9. Extortion.
10. Red Cross Act.
11. Tax (Other than Income).
12. Narcotics.
13. Miscellaneous Section 125, National Defense Act; Prostitution; Selling Whiskey Within Five Miles of An Army Camp. 1920 only.
14. (I) Sedition.
15. Theft from Interstate Shipment.
16. Violation Federal Injunction (obsolete).
17. Veterans Administration Matters.
18. May Act.
19. Censorship Matter (obsolete).
20. Federal Grain Standards Act. 1920 only.

21. Food and Drugs.
22. National Motor Vehicle Traffic Act. 1922-27.
23. Prohibition.
24. Profiteering. 1920-42.
25. Selective Service Act; Selective Training and Service Act.
26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft.
27. Patent Matter.
28. Copyright Matter.
29. Bank Fraud and Embezzlement.
30. Interstate Quarantine Law.
31. White Slave Traffic Act.
32. Identification (Fingerprint Matters).
33. Uniform Crime Reporting.
34. Violation of Lacy Act. 1922-43.
35. Civil Service.
36. Mail Fraud.
37. False Claims Against the Government, 1921-22.
38. Application for Pardon to Restore Civil Rights. 1921-35.
39. Falsely Claiming Citizenship.
40. Passport and Visa Matter.
41. Explosives (obsolete).
42. Deserter; Deserter, Harboring.
43. Illegal Wearing of Uniform; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacture, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous. Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous. Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous. Forging or Counterfeiting Seal of Department or Agency of the United States; Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of "Johnny Horizon" symbol; Unauthorized Use of "Smokey Bear" Symbol.
44. Civil Rights; Civil Rights, Election Laws, Civil Rights, Election Laws, Voting Rights Act, 1965.
45. Crime on the High Seas (includes stowaways on boats and air-craft.)
46. Fraud Against the Government; Anti-Kickback Statute; Dependent Assistance Act of 1950; False Claims, Civil; Federal Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act.
47. Impersonation.
48. Postal Violation (Except Mail Fraud).
49. National Bankruptcy Act.

50. Involuntary Servitude and Slavery.
51. Jury Panel Investigations.
52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property.
53. Excess Profits on Wool, 1918.
54. Customs Laws and Smuggling.
55. Counterfeiting.
56. Election Laws.
57. (I) War Labor Disputes Act (obsolete).
58. Bribery; Conflict of Interest.
59. World War Adjusted Compensation Act, 1924-44.
60. Anti-Trust.
61. Treason or Misprison of Treason. [Frequently used for investigation of organizations.]
62. (I) Administrative Inquires. Misconduct Investigations of Officers and Employees of the Department of Justice and Federal Judiciary; Census Matters; Domestic Police Cooperation; Eight-Hour-Day Law; Fair Credit Reporting Act; Federal Cigarette Labeling and Advertising Act; Federal Judiciary Investigations; Kickback Racket Act; Lands Division Matter; Other Violations and/or Matters; Civil Suits-Miscellaneous; Soldiers' and Sailors' Civil Relief Act of 1940; Tariff Act of 1930; Unreported Inter-state Shipment of Cigarettes; Fair Labor Standards Act of 1938 (Wage and Hour Law). [Suspect it is sometimes used as an informant file.]
63. Miscellaneous-Nonsubversive.
64. (I) Foreign Miscellaneous. This classification is a control file utilized as a repository for intelligence information of value identified by country. More specific categories are placed in classifications 108-113.
65. (I) Espionage. Attorney General Guidelines on Foreign Counterintelligence; Internal Security Act of 1950; Executive Order 11905.
66. (I) Administrative Matters. This classification covers such items as supplies, automobiles, salary matters and vouchers. [frequently used as an informant file. Contain confidential source information, the fruits of covert and illegal activities, policy documents and blind memoranda.]
67. Personnel Matters. [Also used for investigating "Attacks Against the FBI".]
68. Alaskan Matters (obsolete).
69. Contempt of Court.
70. Crime on Indian Reservation; Inducing Conveyance of Indian Trust Land; Crime on Government Reservation; Embezzlement or Theft of Indian Property.

71. Bills of Lading Act.
72. Obstruction of Criminal Investigations.
73. (S) Application for Pardon After Completion of Sentence and Application for Executive Clemency.
74. Perjury.
75. Bondsmen and Sureties.
76. Escaped Federal Prisoner; Escape and Rescue; Probation Violator; Parole Violator; Mandatory Release Violator.
77. (S) Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications.)
78. Illegal Use of Government Transportation Requests.
79. Missing Persons.
80. Laboratory Research Matters. At FBI Headquarters this classification is used for Laboratory research matters. In field office files this classification covers the FBI's public affairs matters and involves contact by the FBI with the general public, Federal and State agencies, the Armed Forces, corporations, the news media and other outside organizations.
81. Gold Hoarding. 1933-45.
82. War Risk Insurance (National Service Life Insurance) (obsolete).
83. Court of Claims.
84. Reconstruction Finance Corporation Act (obsolete).
85. Home Owner Loan Corporation (obsolete).
86. Federal Lending and Insurance Agencies.
87. Interstate Transportation of Stolen Property (Fraud by Wire, Radio, or Television.)
88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony.
89. Assaulting or Killing a Federal Officer; Congressional Assassination Statute.
90. Irregularities in Federal Penal Institutions.
91. Bank Burglary; Bank Larceny; Bank Robbery.
92. Anti-Racketeering; A.R., Lea Act; A.R., Interference with Government Communications System; A.R., Hobbs Act.
93. Ascertaining Financial Ability.
94. Research Matters. This classification concerns all general correspondence of the FBI with private individuals which does not involve any substantive violation of Federal Law.
95. Laboratory Cases (Examination of Evidence in Other Than Bureau Cases.)
96. Alien Applicant (obsolete).
97. (I) Registration Act. (Foreign agents). [Frequently used for investigation of organizations.]
98. (I) Sabotage.
99. Plant Survey (obsolete).
100. (I) Domestic Security. [The most common by far classification used for "subversive" (i.e. political) investigations.]

101. Hatch Act. [Seems to be a catch-all classification used for investigations alleged subversive activities by government employees.]
102. Voorhis Act.
103. Interstate Transportation of Stolen Cattle.
104. Servicemen's Dependents Allowance Act of 1942 (obsolete).
105. (I) Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. [Frequently used as a "subversive matter file" similar to 100.]
106. Alien Enemy Control; Escaped Prisoners of War and Internees. 1944-55.
107. Denaturalization Proceedings (obsolete).
108. Foreign Travel Control (obsolete)...security-type investigations.
109. (I) Foreign Political Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign political matters broken down by country.
110. (I) Foreign Economic Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign economic matters broken down by country.
111. (I) Foreign Social Conditions. This classification is a control file utilized as a repository for intelligence information concerning foreign social conditions broken down by country.
112. (I) Foreign Funds. This classification is a control file utilized as a repository for intelligence information concerning foreign funds broken down by country.
113. (I) Foreign Military and Naval Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign military and naval matters broken down by country.
114. Alien Property Custodian Matter (obsolete).
115. Bond Default; Bail Jumper.
116. (S) Department of Energy, Applicant; Department of Energy, Employee.
117. (I) Department of Energy, Criminal.
118. Applicant, Intelligence Agency (obsolete). This classification covers applicant background investigations conducted of persons under consideration for employment by the Central Intelligence Group.
119. Federal Regulations of Lobbying Act.
120. Federal Tort Claims Act.
121. Loyalty of Government Employees (obsolete).
122. Labor Management Relations Act, 1947.
123. Special Inquiry, State Department, Voice of America (U.S. Information Center)...loyalty and security investigations.
124. European Recovery Program (obsolete)...security and loyalty investigations.

125. Railway Labor Act; Railway Labor Act - Employer's Liability Act.
126. National Security Resources Board, Special Inquiry (obsolete) ...loyalty investigations.
127. Sensitive Positions in the United States Government, Pub. L. 266 (obsolete).
128. International Development Program (Foreign Operations Administration.)
129. Evacuation Claims (obsolete).
130. (S) Special Inquiry, Armed Forces Security Act (obsolete)... applicant-type investigations.
131. Admiralty Matter.
132. Special Inquiry, Office of Defense Mobilization (obsolete)... applicant-type investigations.
133. National Science Foundation Act, Applicant (obsolete).
134. (I) Security Informants. [Information obtained from Security Informants is also kept in other main files, e.g. 65, 100 and 157.]
135. PROSAB (Protection of Strategic Air Command Bases of the U.S.A. Air Force).
136. American Legion Contact (obsolete).
137. Criminal Informants.
138. (S) Loyalty of Employees of the United Nations and Other Public International Organizations.
139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications.)
140. (S) Security of Government Employees: S.G.E., Fraud Against the Government.
141. False Entries in Records of Interstate Carriers.
142. Illegal Use of Railroad Pass.
143. Interstate Transportation of Gambling Devices.
144. Interstate Transportation of Lottery Tickets.
145. Interstate Transportation of Obscene Matter; Broadcasting Obscene Language.
146. Interstate Transportation of Prison-Made Goods.
147. Federal Housing Administration Matters.
148. Interstate Transportation of Fireworks.
149. Destruction of Aircraft or Motor Vehicles.
150. Harboring of Federal Fugitives, Statistics.
151. (S) Referral cases received from CSC application loyalty investigations.
152. Switchblade Knife Act.
153. Automobile Information Disclosure Act.
154. Interstate Transportation of Unsafe Refrigerators.
155. National Aeronautics and Space Act of 1958.
156. Welfare and Pension Plans Disclosure Act.

157. (I) Extremist Matters; Civil Unrest. This classification concerns FBI responsibility for reporting information on civil disturbances or demonstrations. The FBI's investigative responsibility is based on the Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest which became effective April 5, 1976.
158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete).
159. Labor-Management Reporting and Disclosure Act of 1959 (Investigative Matter).
160. Federal Train Wreck Statute.
161. (S) Special Inquiries for White House, Congressional Committee and Other Government Agencies.
162. Interstate Gambling Activities.
163. (I) Foreign Police Cooperation.
164. Crime Aboard Aircraft.
165. Interstate Transmission of Wagering Information.
166. Interstate Transportation in Aid of Racketeering.
167. Destruction of Interstate Property.
168. Interstate Transportation of Wagering Paraphernalia.
169. Hydraulic Brake Fluid Act (obsolete).
170. (I) Extremist Informants (obsolete).
171. Motor Vehicle Seat Belt Act (obsolete).
172. Sports Bribery.
173. Civil Rights Act of 1964.
174. (I) Explosives and Incendiary Devices; Bomb Threats (Formerly, Bombing Matters; Bombing Matters, Threats.)
175. Assaulting the President (or Vice President) of the United States.
176. (I) Anti-riot laws.
177. Discrimination in Housing.
178. Interstate Obscene or Harassing Telephone Calls.
179. Extortionate Credit Transactions.
180. Desecration of the Flag.
181. Consumer Credit Protection Act.
182. Illegal Gambling Business; Illegal Gambling Business, Obstruction; Illegal Gambling Business; Forfeiture.
183. Racketeer, Influenced and Corrupt Organizations.
184. Police Killings.
185. (I) Protection of Foreign Officials and Officials' Guests of the United States.
186. Real Estate Settlement Procedures Act of 1974.
187. Privacy Act of 1974, Criminal.
188. Crime Resistance.
189. Equal Credit Opportunity Act.

190. Freedom of Information/Privacy Acts. This classification covers the creation of a correspondence file to preserve and maintain accurate records concerning the handling of a request for records submitted pursuant to the Freedom of Information - Privacy Acts.
191. False Identify Matter.
192. Hobbs Act-Financial Institutions.
193. Hobbs Act-Commercial Institutions.
194. Hobbs Act-Corruption of Public Officials.
195. Hobbs Act-Labor Related.
196. Fraud by Wire.
197. Civil Actions or Claims Against the Government. [Known to include a control file for documents and search slips pertaining to case files directed to be preserved for the House Assassinations Committee or pending ongoing litigation.]
198. Crime on Indian Reservations.
199. Foreign Counterintelligence - Terrorism. Attorney General Guidelines on Foreign Counterintelligence.
200. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence.
201. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence.
202. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence.
203. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence.
204. Federal Revenue Sharing.

APPENDIX VI: SELECTED FBI INDICES*

A. SPECIAL INDICES:

MAINTAINED

*Black United Front Index	
*Fugitive Alert File	
*Reserve Index	
*Security Index	
*Wounded Knee Album	
Administrative Index	Headquarters and 29 Field Offices
Channelizing Index	9 Field Offices
Deserter Index	4 Field Offices
Extremist Informant Index	Headquarters
FALN Index	3 Field Offices
General Security Index	1 Field Office
Informant Index	59 Field Offices
Key Extremist Program Listing	Headquarters and 47 Field Offices
Leased Line Letter Request Index	Headquarters
Mail Cover Index	Headquarters
Military Deserter Index	Headquarters
Murder of FBI Agents on Pine Ridge Indian Reservation	Headquarters
National Security Electronic Surveillance Card File (Institutions & Requests)	Headquarters
National Security Index	Headquarters
Security of Government Employees Index	Headquarters
Security Informant Index	Headquarters
Security Subject Control Index	1 Field Office
Security Telephone No. Index	1 Field Office
Selective Service Violators Index	Headquarters
Surveillance Locator Index	Headquarters and 2 Field Offices
Symbionese Liberation Army Index	Headquarters and 2 Field Offices
Telephone Subscriber Toll Record Check Index	1 Field Office
Toll Record Request Index	Headquarters
Weatherman Fugitive Lead Index	1 Field Office
White House Special Index	Headquarters

*An asterick indicates the FBI claims Index is no longer in use and is scheduled for destruction.

B. MAJOR CASE INDICES: SELECTED LIST

The complete list of Major Case Indexes can be consulted in the GAO Report, 1977. Omitted from this selection are indexes pertaining to "criminal" investigations.

- Don Segretti Campaign Law Violations - a spinoff of the Watergate Investigation.

<u>Status:</u> Inactive.	<u>Maintained</u> in Headquarters. Not fully retrievable.
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- Investigation into a Series of Bombings in the West Coast Area.

<u>Status:</u> Inactive	<u>Maintained</u> in Headquarters. Not fully retrievable.
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- Unauthorized Disclosure of Classified Information Concerning The U.S.-Vietnam Relations.

<u>Status:</u> Inactive.	<u>Maintained</u> in 2 Field Offices. 1 not fully retrievable.
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- Burglary of Media, Pa. FBI Resident Agency.

<u>Status:</u> Inactive	<u>Maintained</u> in 1 Field Office.
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- Murder of an Individual on an Indian Reservation.

<u>Status:</u> Active	<u>Maintained</u> in 1 Field Office
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- Investigation Involving Internal Security Matters.

<u>Status:</u> Active.	<u>Maintained</u> in 1 Field Office.
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- Investigation of a Group Under the Domestic Security Program.

<u>Status:</u> Active.	<u>Maintained</u> in 1 Field Office
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- Possible Conspiracy to Kidnap a High U.S. Government Official and Blow up Tunnels in D.C.

<u>Status:</u> Inactive.	<u>Maintained</u> in 1 Field Office.
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- Investigation Involving an Internal Security Matter.

<u>Status:</u> Inactive	<u>Maintained</u> in 1 Field Office.
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APPENDIX VII: Congressional Committees with FOI/PA and FBI Oversight Functions

<u>SENATE</u>		<u>JURISDICTION</u>
* Committee on the Judiciary		Includes FBI programs and budget; FOI/PA
Subcommittee on Adm. Practices and Procedures		FOI/PA matters
* Select Committee on Intelligence		All counterintelligence and foreign intelligence matters and budgets
Governmental Affairs Committee		FOI/PA matters are occasionally re- ferred to this committee
<u>HOUSE OF REPRESENTATIVES</u>		<u>JURISDICTION</u>
* Judiciary Committee		Includes FBI programs and budget
Subcommittee on Civil and Constitutional Rights		Includes FBI programs and budget
* Permanent Select Committee on Intelligence		Counterintelligence and foreign intelligence matters and budgets
Government Operations Committee		Includes FOI/PA matters, National Archives, and record keeping matters
Subcommittee on Government Information and Individual Rights		FOI/PA and National Archives matters are referred to this committee

Address for Senate Committees: U.S. Senate, Washington, D.C. 20515

Address for House Committees: U.S. House of Representatives, Washington, D.C. 20515

Telephone number for House and Senate Committees: 202/224-3121

* Please note that the Judiciary and Intelligence Committees also have a strong concern with FOI/PA matters as they affect intelligence agencies.

[This appendix was prepared by the staff of the Campaign For Political Rights, 201 Mass. Ave., Washington, D.C. 20002.]

APPENDIX VIII TEXT OF FREEDOM OF INFORMATION ACT

Freedom of Information Act as Amended in 1974 by Public Law 93-502 (Amendments are underlined)

1552. Public information; agency rules, opinions, orders, records, and proceedings.

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

(A) descriptions of its central and field organization and the established places at which the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the General course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of General applicability adopted as authorized by law, and statements of General policy or interpretations of General applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. However, in each case the justification for the deletion shall be explained fully in writing. Each agency shall also maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required by this paragraph to be made available or published. Each agency shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless it determines by order published in the Federal Register that the publication would be unnecessary and impracticable. In such case the agency shall nonetheless provide copies on request of such documents to a person who has made a request of a court not to exceed the direct cost of duplication. A final order, opinion, statement of policy, interpretation, or staff manual or instruction that affects a member of the public may be relied on, used, or cited as precedent by an agency against a party other than an agency only if--

(1) it has been indexed and either made available or published as provided by this paragraph; or

(2) the party has actual and timely notice of the terms thereof.

(3) Except with respect to the records made available under paragraphs (1) and (2) of this subsection, each agency upon any request for records which (A) reasonably describes such records and (B) is made in accordance with published rules relating to the time, place, fees (if any), and procedures to be followed shall make the records promptly available to any person.

(4) (A) In order to carry out the provisions of this section, each agency shall promulgate regulations pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency. Such fees shall be limited to reasonable standard charges for document search and duplication and provide for recovery of only the direct costs of such search and duplication. Documents shall be made available without charge, or at a reduced charge, to the extent that the agency determines that reduction of the fee is in the public interest because of furnishing the information can be considered as primarily benefiting the general public.

(3) On complaint, the district court of the United States in the district in which the complainant resides or has a principal place of business, or in which the agency records are situated or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case, the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subdivision (b) of this section, and the burden is on the agency to sustain its action.

(D) Except as to cases the court considers of greater importance, proceedings before the district court, as authorized by this subsection and appeals therefrom, take precedence on the docket over all cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(F) Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States a reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding of records question the reasonableness of the withholding, the civil or criminal sanctions recommended to the withholding authority to resolve the constitutional tort action is warranted without deciding whether the withholding action is warranted against the officer or employee who was primarily responsible for the withholding of the evidence submitted. After investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action which the Commission recommends.

(3) Each agency having more than one member shall maintain and make available for public inspection a record of the final votes of each member in every agency proceeding.

(1) determines within ten days (excluding Saturdays, Sundays and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor and of the right of such person to appeal to the head of the agency any adverse determination, and

(b) In unusual circumstances as specified in this sub-section, the time limits prescribed in either clause (1) or clause (11) of subparagraph (a) may be extended by written notice to the person making such request setting forth the reasons for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an expiration for more than ten working days. As used in this subparagraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request.

(11) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request

(C) Any person making a request to any Agency for records under paragraph (A) and all his administrative rights shall be with respect to such request if the Agency fails to comply with the applicable time limit provisions of this paragraph. If the Government can show exceptional circumstances exist and that the Agency is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the Agency additional time to complete its review of the records. Upon any determination by an Agency to comply with a request for records, this record shall be made promptly available to such person making such request. Any notification of denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request.

- (b) This section does not apply to matters that are--
- (1) (A) specifically authorized under clerical established by an Executive order to be kept in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;
 - (2) related solely to the internal personnel rules and practices of an agency;
 - (3) specifically exempted from disclosure by statute;
 - (4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
 - (5) intra-agency or inter-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
 - (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
 - (7) investigatory records compiled for law enforcement purposes but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of an enforcement personnel.
 - (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
 - (9) geological and geophysical information and data, including maps, concerning wells.
- Any reasonably segregable portion of a record shall be provided to any person requesting such record after deletion of the portions which are exempt under this subsection.
- (c) This section does not authorize withholding of information or limit the availability of records to the public, except as specifically stated in this section. This section is not authority to withhold information from Congress.

- (d) On or before March 1 of each calendar year, each agency shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and the President of the Senate, and the report shall include--
- (1) The number of determinations made by such agency not to comply with requests for records made to such agency under subsection (a), and the reasons for each such determination;
 - (2) The number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information;
 - (3) The names and titles or positions of each person responsible for the denial of records requested under this section, and the number of instances of participation for each;
 - (4) The results of each proceeding conducted pursuant to subsection (a)(7)(f), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;
 - (5) A copy of every rule made by such agency regarding this section;
 - (6) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section, and
 - (7) Such other information as indicates efforts to administer fully this section.
- The Attorney General shall submit an annual report on or before March 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subsection (a)(2)(E), (f), and (G). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.
- (e) For purposes of this section, the term "agency" as defined in section 551(1) of this title includes any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the Government, including the Executive Office of the President, or any independent regulatory agency.



President • Samuel Gruber
Legal Counsel • Bonnie Brower
• Marshall Perlin
Executive Director • Dorothy R. Steffens
Research Director • Ann Mari Buitrago

FUND FOR OPEN INFORMATION AND ACCOUNTABILITY, INC./339 Lafayette Street, New York, N.Y. 10012

THE FREEDOM OF INFORMATION ACT IS UNDER ATTACK!

For decades, the federal government has been able to spy on American citizens and organizations, and to illegally interfere in and disrupt the lawful activities of people here and abroad. The government conducted illegal surveillances. It tapped, bugged and burglarized homes and offices of trade unionists, scientists, scholars, anti-war and civil rights activists, women's and church groups. It planted informers and police agents to disrupt and destroy these organizations. It financed, trained and equipped the overthrow of popularly elected governments throughout the world. Agencies of government could — and did — engage in these illegal and anti-democratic activities because there was *no way for the American people to know what they were doing.*

The Freedom of Information Act (first passed in 1966 and strengthened in 1974) was supposed to end all that. It establishes *in law* the public's "right to know". Under its terms, the curtain of secrecy is to be torn away and government is to be made accountable to the public for the acts it commits.

The FOIA requires federal agencies to release most of their files and documents to individuals and organizations upon their request. Congress intended that this new law, which recognizes the importance of the public's "right to know", serve at least two purposes: to reveal the pattern of past and current government abuses and illegalities, and, equally important, to deter government agencies from continuing or resuming such practices.

Current attacks on the FOIA strike at the essence of constitutional government: the ability of citizens to hold their government accountable and responsible to them.

The daily subversion of the Act by government agencies constitutes one of the greatest threats to its existence. Techniques used by the government to thwart the Act include:

- Interminable delays in responding to requests for files
- Wholesale and irrational deletions or total denial of documents by unsupported and inflated claims of "national security" or "protection" of informers
- imposition of exorbitant fees for search and copying

The FBI has *already* begun destroying files that are more than 5 years old. FBI Director William Webster now calls for a 10-year ban on the release of FBI investigative files. "Catch 22". For the first 10 years a file need not be released; before its release date, it can be destroyed! Such policies are the government's method for repealing the FOIA — without *any* public debate or approval!

Other attacks on the FOIA include FBI manufactured news releases fed to the media as "news reports", claiming the FOIA hampers "real" law enforcement by taking up too much staff time.

Despite these attacks, and despite the efforts to sabotage the Act, the FOIA has vastly increased public knowledge about government bureaucracy and behavior. Individuals and organizations who have secured their files — particularly those active in church, union, peace, women's and civil rights organizations — have begun to gain a clearer picture of how the government has tried, often successfully, to interfere with their constitutionally guaranteed rights.

OTHER MATERIALS AVAILABLE

- * UPDATE, FOIA, Inc.'s newsletter brings you the latest information on the Freedom of Information Act: what groups and individuals are finding out through using it; what the Justice Dept., the FBI, CIA, the National Archives, and Congress are saying and doing about the FOIA and the people's right to know; and regular reports on FOIA lawsuits including FOIA, Inc.'s suit to get the Rosenberg/Sobell records (Meeropol v. Bell) and the projected suit to enjoin further destruction of FBI files. (Sub. rate: \$10/yr.)
- * Are You Now or Have You Ever Been in the FBI Files? by Buitrago and Immerman, (Grove Press, 1981). The 300 page book is a guide to securing and interpreting FBI files. It makes available for the first time a description of the FBI filing and investigation system, an explanation of how an FOIA request is processed. Also included: over 30 actual FBI documents with explanatory interpretations, a glossary of FBI terms, abbreviations and symbols to assist the reader in interpreting files and a discussion of recent attacks on the FOIA. Prefaces by Jessica Mitford and Rep. John Conyers. An introduction by Prof. William Preston provides an historical overview of the FBI's violation of citizens' rights. (available February, 1981 - \$7.95)
- * AFSC et al v. Webster et al The Original complaint, a summary of the historians' affidavits and Judge Harold Green's landmark Opinion in the successful suit to stop the FBI and The National Archives from destroying FBI files. (\$2.00 each)
- * AFSC v. Webster by Samuel Gruber. An analysis of the decision in the successful lawsuit to stop destruction of FBI files by one of the plaintiffs' attorneys. Reprint from Blind Justice (N.Y.C. Lawyers' Guild).
- * The "Crime of the Century" Revisited: David Greenglass' Scientific Evidence in the Rosenberg Case by Gerald E. Markowitz and Michael Meeropol. Reprinted from Science and Society, this article re-evaluates the government's charge that the Greenglasses and Rosenbergs stole the "secret of the atom bomb." The authors, using hitherto secret documents won from the government in an FOIA suit to investigate (1) the accuracy and significance of Greenglass' information and (2) the accuracy of the government prosecutors' claims about that information. The authors offer proof that the government was perpetrating a fraud on the American people that played a central role in framing the Rosenbergs and in undermining opposition to the government's repressive actions at home and abroad. (\$2.00)
- * FOIA Fact Sheet. A short description of the provisions of the Freedom of Information Act, attacks on it aimed at eliminating or weakening its effectiveness, and counter-attacks launched by various groups including FOIA, Inc. (\$1.50)
- * The Freedom of Information Act. by J. Anthony Scott. An article on the origins, significance and future of the FOIA by a leading historian. Originally presented at the annual American Historical Association meeting, December, 1979. (\$2.00)

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WHAT DOES FOIA, INC. DO?

The Fund for Open Information and Accountability (FOIA, Inc.) was organized to support, strengthen and accomplish the purposes of the Freedom of Information Act. It enlists the skills of many individuals and groups for these tasks.

- FOIA, Inc. is the only organization which supports the Meeropol litigation to obtain and research the files and records of the Rosenberg-Sobell case.
- It supports the efforts of individuals and organizations who want to secure their files in cases of public interest and historic and current importance.
- It provides public education about the Freedom of Information Act; about how to use the Act to obtain files and how to fight against its weakening or destruction.
- It supplies speakers, panelists and audio-visual materials to interested groups and institutions.
- It plans, conducts and participates in seminars and conferences for lawyers, historians, political scientists, public interest organizations and grass roots groups to share information about the Act — how it ought to work, how it does work and what can be done to strengthen it.
- It is building relationships with a broad spectrum of labor, minority, peace, women's and social justice groups in defense of the people's right to know.
- It houses the 200,000 documents of Rosenberg-Sobell files and has a team of researchers, political scientists and historians who abstract information not only about the case but about a host of other organizations and issues dealt with in the files.

FOIA, Inc. exists to enforce and expand the hard won rights guaranteed by the FOIA.

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The Freedom of Information Act is based upon the presumption that the government and the information of government belong to the people. With the passage of FOIA, ... the burden of proof was shifted from the individual to the government; the "need to know" standard was replaced by the "right to know" doctrine and the onus was upon the government to justify secrecy rather than the individual to obtain access.

13th Report by the Committee
On Government Operations,
U.S. Congress, 1977.



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